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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,272	03/04/2002	Steve N. Galant	35683.0new	4184

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05/12/2003

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EXAMINER

WALSH, JOHN B

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 05/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,272

Applicant(s)

GALANT, STEVE N.

Examiner

John B. Walsh

Art Unit

3676

-- Th MAILING DATE of this communication app ars on the cov r sheet with th correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9,12,14-17 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,12,14,16,17,19-24 and 26 is/are rejected.
- 7) ☒ Claim(s) 5-7,9,15 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claims 16, 17, 19, 20 and 21 are objected to because of the following informalities:
Claim 17, line 16 insert "top" after "lap". Claim 20, line 2 – replace "sued" with "used".
Appropriate correction is required.
2. Claim 16 is dependent upon cancelled claim 13. For purposes of examination the Examiner will treat the claim as if it were dependent upon claim 12.
3. Claims 19 and 21 are dependent upon cancelled claim 18. For purposes of examination the Examiner will treat the claim as if it were dependent upon claim 17. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 17, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "the support member". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 12, 14, 17, 19, 20, 22-24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,927,108 to Pierce.

Pierce '108 discloses a first securing member including a first restraining member (21) and an elongate arm (21) extending from the first restraining member; a second securing member including a second restraining member (22) and a releasable locking device (23); each restraining member includes a first pair of spaced apart opposed engagement members (13,30) and a second pair of spaced apart opposed engagement members (15,14).

As concerns claims 2 and 19, the locking device is securable to the arm at a plurality of locations (24).

As further concerns claim 12, restraining means (14) that are opposed, the restraining means having means for engaging (13,30) a cover and base and means for engaging diagonal corners (inner side of 14 with 17).

As concerns claims 14 and 20, the locking arm is positioned to extend behind the cover of a laptop (the laptop has not been positively recited only the security device is being claimed, therefore the locking arm is adapted to be positioned behind an open lap top). Further concerning claim 20, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art

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apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

As further concerns claim 17, restraining members defining an opening (figure 1; opening defined by 13, 14, 21, 22, 14, 13).

As concerns claim 22, the first pair and second pair of engagement members are orthogonal (figure 1; 14 is orthogonal to 13 and 15 is orthogonal to 30).

As concerns claims 23, 24 and 26, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,927,108 to Pierce as applied to claim 2 above in view of U.S. Patent No. 6,138,483 to Galant.

Pierce '108 does not explicitly show the internal workings of the locking device having a spring loaded pawl.

Galant '483 teaches a locking device having a spring loaded pawl (figure 9).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the locking device of Pierce '108 with a spring loaded pawl, as taught by Galant '483, to ensure that a biasing force is present to keep the device locked.

10. Claims 6, 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,927,108 to Pierce as applied to claims 1, 12 and 17 above in view of U.S. Patent No. 6,467,315 to Edmondson.

Pierce '108 does not disclose a cable for securing the security device to a structure.

Edmondson '315 teaches a cable (14) for securing the security device to a structure.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the locking device of Pierce '108 with a cable, as taught by Edmondson '315, in order to provide additional securing means enhances the security of the device.

Allowable Subject Matter

11. Claims 5, 7, 9, 15 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7 all
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Conclusion

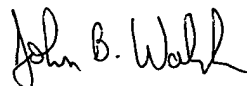
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 703-305-0444. The examiner can normally be reached on Monday-Friday from 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9325.



John B. Walsh
Patent Examiner
Technology Center 3670

May 6, 2003